

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

By this Amendment, claims 1, 3-5 and 7-8 and the specification are amended, and claims 1 and 2 are cancelled without prejudice or disclaimer. The claims have been amended to remove the parenthetical references to features described in the specification and to clarify their intended meanings. This is intended not only to place the claims in proper U.S. format but also to broaden the scope of the claims accordingly. No new matter has been added. Accordingly, after entry of this Amendment, claims 1, 3-5 and 7-8 will remain pending in the patent application.

In the Office Action, the specification was objected to. The rejection is respectfully traversed.

In connection with the objection, the Examiner indicated that "the text of the specification is not clear." Applicants disagree and note that the Office Action has not identified portion(s) of the specification that is/are unclear. However, in an abundance of caution, Applicants have reviewed the specification and corrected minor clerical mistakes.

Accordingly, reconsideration and withdrawal of the objection to the specification are respectfully requested.

Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Claims 2 and 6 are cancelled without prejudice or disclaimer, thus rendering moot the rejection of these claims.

In connection with the rejection, the Examiner indicated that "the claims are generally narrative and indefinite, failing to conform with current U.S. practice." In response, claims 1, 3-5 and 7-8 are amended to clarify their language and to conform with U.S. current practice. For example, the recitation "assign a call" has been deleted in claim 1.

The Examiner also indicated that the term "ordre public" is not known and that no clarification is provided in the reference. Applicants respectfully disagree and note that "ordre public" is a well known term that expresses a people's concept of morality, decency and justice, as evidenced by Exhibit 1 attached herewith. Applicants also note that a similar definition is provided in the background section of the present application.

It is respectfully submitted that one of ordinary skill in the art would readily understand the meaning of the terms used in claims 1, 3-5 and 7-8 and, therefore, would readily ascertain the scope of the claim. It is also noted that *per* MPEP 2173.02, “[T]he examiner’s focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. §112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available.” It is respectfully submitted that amended claims 1, 3-5 and 7-8 are precise, clear, correct and unambiguous and, therefore, fully comply with the requirements of 35 U.S.C. §112, second paragraph.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-10 under 35 U.S.C. §112, second paragraph are respectfully requested.

Claims 1-10 were rejected under 35 U.S.C. §103 based on Gardos *et al.* (U.S. Pat. No. 6,880,007) (hereinafter “Gardos”) in view of Peled *et al.* (U.S. Pub. No. 2002/0016831) (hereinafter “Peled”) and Sheth *et al.* (U.S. 6,874,030) (hereinafter “Sheth”). The rejection is respectfully traversed.

Claim 1 recites an arrangement for blocking unwanted network traffic in open data and telecommunication networks, comprising, *inter alia*, a first level of blocking unwanted communications that contravene ordre public, the first level of blocking being in the form of a top level domain requiring registration for websites residing within the top level domain; a second level of blocking providing micro debiting through a debiting server during connection to the top level domain, the second level of blocking including means for debiting of the top level domain via micro debiting and means for accumulating said micro debiting during every session a user is connected to said domain; and a switch for use with the second level of blocking, the switch being adapted to be turned on and off based on debit-free time periods. It is respectfully submitted that Gardos fails to disclose, teach or suggest an arrangement including these features.

Gardos discloses a method of administering a plurality of modifiable domain name records in a database in cooperation with a DNS root server that allows registrants and designated agents of registrants to update records associated with multiple domain names.

However, unlike claim 1, Gardos is silent as to a first level of blocking unwanted communications that contravene ordre public. In addition, Gardos is silent as to a means for debiting the top level domain via micro debiting and means for accumulating the micro debiting during every session a user is connected to the domain. Furthermore, Gardos makes no mention of a switch as recited in claim 1.

The Examiner alleged that it is unclear as to what is meant by micro-debiting but contended, nonetheless, that such features are disclosed by Gardos. Applicants respectfully disagree and note that micro-debiting is a well known method of paying small amounts of money during a period of time. In the present case, micro-debiting is used during connection of the computer to the top level domain. Gardos does not disclose, teach or suggest these features. Unlike claim 1, Gardos merely shows in FIG. 7 a screen that is accessed by the user during registration of a domain name.

Peled and Sheth fail to remedy the deficiencies of Gardos. Peled merely relates to electronic shopping and discloses a method of extracting the geographical and/or virtual location of an internet user, requesting for example goods or services. (*See* paragraph [0019]). Sheth discloses a method of controlling subscriber access in a network capable of establishing connections with multiple services. (*See* col. 4, lines 19-40). However, neither Peled nor Sheth disclose, teach or suggest the features recited by claim 1. As such, any reasonable combination of Gardos, Peled and Sheth cannot result, in any way, in the invention of claim 1.

Claims 3 and 4 are patentable over Gardos, Peled and Sheth, and a combination thereof, at least by virtue of their dependency from claim 1 and for the additional features recited therein.

Claim 5 is patentable over Gardos, Peled and Sheth, and a combination thereof, for at least similar reasons as provided above in claim 1 and for the additional features recited therein. Namely, claim 5 is patentable over Gardos, Peled and Sheth at least because this claim recites a method of blocking unwanted network traffic in open data and telecommunication networks, comprising, *inter alia*, providing a first level of blocking unwanted communications with respect to ordre public in the form of a top level domain requiring registration for websites residing within the domain; providing a second level of blocking by (a) micro debiting the top level domain and (b) accumulating said micro debiting during every session a user is connected to said domain through a debiting server; and executing micro debiting based on debit-free time periods. For similar reasons discussed previously, Applicants respectfully submit that Gardos, Peled and Sheth, and a combination thereof, do not disclose, teach or suggest these features.

Claims 7 and 8 are patentable over Gardos, Peled and Sheth, and a combination thereof, at least by virtue of their dependency from claim 5 and for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-10 under 35 U.S.C. §103 based on Gardos in view of Peled and Sheth are respectfully requested.

The rejections having been addressed, Applicants respectfully submit that the application is in condition for allowance, and a notice to that effect is earnestly solicited.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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Enclosure: Exhibit 1



International Law Definitions

- **natural law** God, or nature, or universal reason has given humanity a law from which the norms of all human law must be derived. The role of human beings is to simply deduce natural law correctly. There is very little agreement on the definition of "right reason," however.
- **legal positivism** Positivism doesn't consider what the law ought to be, nor whether some other entity is the source of law. International law is what states have consented to, expressed in custom and treaties, and logical deductions therein. Criticized because consent is too artificially assumed.
- **ius cogens** A norm of general international law is accepted and recognized as something to be respected, and not to be deviated from. Easily accepted by the Natural Law school, but there is no agreement on its substance. An example is the prohibition on the use of force to settle conflicts.
- **Alien Tort Claims Statute** A domestic principle that says if damage is done in violation of the laws of nations in a foreign country, it is the first nation's jurisdiction. If two foreigners move to the US, one having violated international law through torturing the other, the latter may bring suit for damages against the former.
- **Act of State Doctrine** Acts performed within another state's jurisdiction should be recognized and respected by other states, even if such acts violate international law, or other states' public policy. The doctrine has been used to avoid US courts giving judgement on government acts performed in other countries.
- **ordre public** The substance of international law comes from society. It is a concept expressing a people's concept of morality, decency and justice. It is elastic and comprehensive, allowing for evaluation in the spirit of the law.
- **ICJ** The International Court of Justice in the Hague is where international legal disputes are adjudicated. Its decision is non-binding, unless the optional clause is precommitted to by the states involved, making them liable to follow the courts' decision. All parties involved in the dispute must agree to adjudication before it can proceed.
- **arbitration** Two parties decide that they will have someone else rule on their dispute. Different from adjudication, because each side chooses who will arbitrate. The decision of the arbitrator(s) is binding.
- **Universal Declaration of Human Rights 1948.** A UN declaration, signed and ratified by most of the world's countries, adhered to a great degree only by a few. Closest that the world has come so far to recognizing people as subjects of IL. However, a violation of human rights can, for the most part, still only be prosecuted between states
- **Exclusive Economic Zone** The EEZ is a zone 200 nautical miles beyond the boundaries of, and adjacent to, a nation-state's territorial waters, where it has jurisdiction, but not sovereignty. This practice is formalized in the UN Convention on the Law of the Sea.
- **Clausula rebus sic stantibus** A clause that says that a treaty can be ruled non-applicable if circumstances change fundamentally from the time of the signing of the treaty. This cannot be used if one of the parties produced the change through a breach in its obligations, or if there was a time limit set in the treaty which has not yet been reached.
- **Comprimis** In arbitration, the opposing parties must agree upon the principles and procedures of the arbitration, the subject matter with which to deal, the power and jurisdiction of the arbitrator(s), the make up of the arbitration council, and the nature of the award to be given. In adjudication, most of these factors are all prescribed by law.
- **CEDAW** The Convention on the Elimination of all forms of Discriminations Against Women is predominantly non-discriminatory, meaning that men and women are considered to have equal rights. Critics claim that it does not address violence against women and that it has a low rate of compliance.
- **customary law** Applicable to all subjects, it is ranked by the ICJ as secondary in importance only to treaties. It is held to exist if
 - a. objectively, does this custom exist (frequency and history)
 - b. subjectively, is this the norm of behavior (opinion juris)

- **Law of the Sea** A comprehensive 1982 convention which attempts to create a regime for the oceans. Has yet to be enacted because not enough states have ratified it; too comprehensive, in the opinion of many states.
 - **Pacta sunt servanda** All treaties are binding and cannot be broken. This concept implies an actual enforceability of international law which is lacking in general IL.
 - **convention refugee** The definition of a refugee from the 1951 convention: one who has decided to leave their place of habitual residence and who has crossed a national boundary because of a well-founded fear of persecution, whether political, social, religious, or ethnic.
 - **ABM Treaty**
 - **Geneva Convention** A convention following WWII which discussed the rules for war, the boundaries not to be crossed, such as chemical weaponry, and genocide. As well, it addresses the rights of non-combatants. Nuclear weapons basically violate this convention, and this is being brought to the ICJ for adjudication.
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